

**Notice of Allowability**

Application No.	Applicant(s)	
09/508,849	NAGATA ET AL.	
Examiner	Art Unit	
Alana M. Harris, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_.
2.  The allowed claim(s) is/are 2-5 and 8-12.
3.  The drawings filed on \_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_.

*Alana M. Harris, Ph.D.*  
ALANA M. HARRIS, PH.D.  
PRIMARY EXAMINER  
7/11/2004

AMENDMENTS TO THE CLAIMS

1. (cancelled)

2. (previously presented) An isolated polypeptide having an amino acid sequence of natural human Fas ligand (SEQ ID NO:17) wherein the 129<sup>th</sup> amino acid and 130<sup>th</sup> amino acid residues as measured from N terminal end are both deleted, and at least one amino acid residue from 111<sup>th</sup> amino acid to 128<sup>th</sup> amino acid residues or at least one amino acid residue from 131<sup>st</sup> amino acid to 133<sup>rd</sup> amino acid residues as measured from N terminal end is deleted.

2. (previously presented) An isolated polypeptide having an amino acid sequence of natural human Fas ligand (SEQ ID NO:17) wherein all of the 8<sup>th</sup> amino acid to 69<sup>th</sup> amino acid residues as measured from N terminal end are deleted, 129<sup>th</sup> amino acid and 130<sup>th</sup> amino acid residues as measured from N terminal end are both deleted, and at least one amino acid residue from 111<sup>th</sup> amino acid to 128<sup>th</sup> amino acid residues or at least one amino acid residues from 131<sup>st</sup> amino acid to 133<sup>rd</sup> amino acid residues as measured from N terminal end is deleted.

3. (currently amended) ~~A novel~~ An isolated polypeptide including the amino acid sequence described in SEQ ID NO:1 or 2.

~~4~~ 5. (previously presented) An isolated DNA coding for the polypeptide of claim ~~2~~.

6. (cancelled)

7. (cancelled)

~~5~~ 8. (previously presented) An isolated DNA coding for the polypeptide of claim ~~3~~.

~~6~~ 9. (previously presented) An isolated DNA coding for the polypeptide of claim ~~4~~.

~~7~~ 10. (previously presented) An isolated polypeptide having an amino acid sequence of natural human Fas ligand (SEQ ID NO:17) wherein the 129<sup>th</sup> amino acid and 130<sup>th</sup> amino acid residues as measured from N terminal end are both deleted, and at least one amino acid residue from 111<sup>th</sup> amino acid to 128<sup>th</sup> amino acid residues or at least one amino acid residue from 131<sup>st</sup> amino acid to 133<sup>rd</sup> amino acid residues as measured from N terminal end is deleted, wherein said polypeptide has membrane binding activity and induces Fas-mediated apoptotic activity.

~~8~~ 11. (previously presented) An isolated polypeptide having an amino acid sequence of natural human Fas ligand (SEQ ID NO:17) wherein all of the 8<sup>th</sup> amino acid to 69<sup>th</sup> amino acid residues as

measured from N terminal end are deleted, 129<sup>th</sup> amino acid and 130<sup>th</sup> amino acid residues as measured from N terminal end are both deleted, and at least one amino acid residue from 111<sup>th</sup> amino acid to 128<sup>th</sup> amino acid residues or at least one amino acid residues from 131<sup>st</sup> amino acid to 133<sup>rd</sup> amino acid residues as measured from N terminal end is deleted, wherein said polypeptide has membrane binding activity and induces Fas-mediated apoptotic activity.

9 12. (previously presented) An isolated peptide having an amino acid sequence of natural human Fas ligand (SEQ ID NO:17) wherein at least four amino acid residues, including 128<sup>th</sup> and 131<sup>st</sup> amino acid residues are continuously deleted from the 111<sup>th</sup> amino acid to the 133<sup>rd</sup> amino acid residues as measured from N terminal end. wherein the 129<sup>th</sup> amino acid and 130<sup>th</sup> amino acid residues as measured from N terminal end are both deleted, and at least one amino acid residue from 111<sup>th</sup> amino acid to 128<sup>th</sup> amino acid residues or at least one amino acid residue from 131<sup>st</sup> amino acid to 133<sup>rd</sup> amino acid residues as measured from N terminal end is deleted.